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EXAMINER				
NGUYEN, NGON BINH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,777

Applicant(s)

IWATA ET AL.

Examiner

NGON NGUYEN

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 9/9/10 has been entered:

Claims 1 have been amended.

Claim(s) 9 have been canceled.

No claims have been added. Claims 1-8 and 10-11 are still pending in this application, with claims 1 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kuriyama et al. (US Patent No. 5,710,634) in views of Uchiyama et al. (US Patent No. 6,246,493) and further in view of Hongoh (US Patent No. US 5,115,374).

With reference to claim 1, Kuriyama et al. discloses a known (prior art) apparatus, FIG 57, which has a scanner section and a printer section of a facsimile apparatus, column 2 lines 15-20, comprising:

an operation panel arranged in an upper front position of an apparatus main body (a keyboard, FIG 57/503, with a display section/panel, FIG 57/501, which are arranged

in an upper front of the apparatus body. The display section/panel (lid) is supported by a hinge portion, FIG 57/502, covers the keyboard, FIG 57/503, in a close position, column 1 lines 24-33);

a display unit arranged in an upper portion of said apparatus main body, closely arranged relative to said operation panel, located in an upper rear position of said operation panel upon opening, and overlaid onto said operation panel upon closing (a display section/unit, FIG 57/501, is arranged in a upper portion of the apparatus main body closable by pivotally moving about a hinge, FIG 57/502, in an upper rear portion of the keyboard (operation panel), FIG 57/503, and covers (overlays onto) the keyboard (operation panel) in a close position, column 1 lines 24-35);

a document inserting port arranged in the upper portion of the said apparatus main body, for inserting an original document from a location to the rear of said display unit (three paper trays, FIG 57/507, locates on a location to the rear of the display section/panel, FIG 57/501, for a user to insert document or an original for scanning, FIG 68, (display section/panel may be closed for conveniently using the trays), column 2 lines 11-59);

a recording paper inserting port arranged in the upper portion of said apparatus main body, for inserting a blank recording sheet from a location to the rear of said display unit (three paper trays, FIG 57/507, locates on a location to the rear of the display section/panel, FIG 57/501, for a user to insert recording paper for printing, FIG 69, column 2 lines 11-67 and column 3 lines 1-3);

Kuriyama et al. further discloses an original driving system, FIG 68, wherein an original G is fed in the direction M, FIG 68/M, into an inserting port and ejected out of an ejecting port, enables the design choices that allow the inserting port or ejecting port to be arranged in a front or in a back portion of a facsimile apparatus as user's desire. Uchiyama et al. discloses the original driving system, Uchiyama's FIG 1, facilitates using the design choice, which allows:

"a document ejecting port arranged in a front portion of said apparatus main body for ejecting said original document";

that one skill in the art would have been realized as applicable with the Kuriyama's design without effecting the facsimile performance and would have been motivated to incorporate the option into Kuriyama's apparatus to provide user the feature as desired by user. The result would have been predictable and would be resultant in the feature as of the claimed invention. Therefore the claimed subject matter would have been obvious to a person having ordinary skill in the art at the time the invention was made.

Kuriyama further discloses:

said display unit does not block any of said document ejecting port or said recording paper inserting port when said display unit is closed (the display section/units, FIG 57/501, when being closed does not block the trays, FIG 57/507, which are used as recording paper inserting ports, column 2 lines 13-14, and one of them is used as original rejection port, column 1 lines 42-43).

Regarding:

"said display unit does not block said document inserting port when said display unit is closed".

Kuriyama is silent as to the design option, FIG 2, wherein the document insert port, FIG 2/9, is not being blocked when the display unit, FIG 2/3, is closed or at completely flat down position.

However, Hongoh discloses the apparatus capable of performing facsimile, Hongoh's FIG 1, facilitates the design option of the liquid crystal display, Hongoh's FIG 1/6, FIG 2/6, and FIG 3/6, which does not block the document insert port, FIG 1/3 and release slot/port, FIG 1/4, when it is closed. One skill in the art would have been realized such a design option as applicable to the prior art design, FIG 57, or Kuriyama's design, FIG 2, and would have been motivated to incorporate Shimoosawa's option into the prior art design, FIG 57, or Kuriyama's design, FIG 2. The result would have been predictable and would be resultant in the design feature as claimed invention. Therefore the claimed subject matter would have been obvious to one skill in the art at the time the invention was made.

With reference to claim 2 (depends on claim 1), Kuriyama et al. further discloses the apparatus, wherein:

said display unit is rotated around a rotational center portion as a fulcrum provided for a rear portion of said operation panel, so that it is opened or closed to said operation panel (a display section, FIG 57/501, which is arranged in a upper portion of the apparatus main body, is closable or pivotally moving about a hinge (fulcrum) in an

upper rear portion of the keyboard (operation panel), FIG 57/502, and covers (overlays onto) the keyboard (operation panel), FIG 57/503, in a close position, column 1 lines 24-35).

With reference to claim 3 (depends on claim 1), Kuriyama et al. further discloses the apparatus, wherein:

an opening angle of said display unit is variable (the display section, FIG 57/501, is supported by a hinge portion, FIG 57/502, thus the display portion/panel is pivotally closed or open and therefore the opening angle is variable, column 1 lines 24-33).

5. Claims 4-8 and 10-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kuriyama et al. (US Patent No. 5,710,634) in views of Uchiyama et al. (US Patent No. 6,246,493), Hongoh (US Patent No. US 5,115,374), and Aibara et al. (US Patent No. 6,011,634).

With reference to claim 4 (depends on claim 1), Kuriyama et al. further discloses the apparatus comprising:

a first display apparatus arranged on a first surface of said display unit (the inner surface of a display section (lid), FIG 57/50, which faces the keyboard (operation panel), can be designated as the first surface of the display unit, column 1 lines 24-35);

Kuriyama in view of Uchiyama and Hongoh does not disclose the following disclosed by Aibara et al.:

a second display apparatus arranged on a second surface of said display unit opposite to the first surface (a plurality of LED displays, Aibara; FIG 13/45, are mounted/arranged on the opposite side of the display panel (lid), Aibara; FIG 14/3, which can be designated as the second surface of the lid assembly, Aibara; column 17 lines 37-39);

when said display unit is opened, said first display apparatus is exposed and said second display apparatus is hidden from a user, and when said display unit is closed, said first display apparatus is hidden and said second display apparatus is exposed to the user (when the lid assembly is opened the first surface is exposed to user while the second display is hidden from the user and vice versa, Aibara; FIG 13/3 and FIG 14/3).

Reference Aibara discloses an evidence of a design option in arranging LED displays (second display) or the like on the second surface or the top surface of the display panel or lid when it is closed that would have been recognized by one skill in the art as applicable to Kuriyama design as to provide user a design choice that meets user need. Therefore the claimed subject matter would have been obvious to a person having an ordinary skill in the art at the time of the invention was made.

With reference to claim 5 (depends on claim 4), Aihara et al. further discloses the facsimile equipment, wherein:

a first button group and a second button group are arranged on said operation panel, and when said display unit is closed, said first button group is hidden and said second button group is exposed to the user, and when said display unit is opened, both

of said first button group and said second button group are exposed to the user (the first button group, Aibara; FIG 14/40, which is hidden from user when the lid assembly, Aibara; FIG 14/3, is closed while the second button group, Aibara; FIG 13/41, is exposed to user. Both are exposed to user when the lid assembly is opened).

With reference to claim 6 (depends on claim 5), Aihara et al. further discloses the facsimile equipment wherein:

said first button group is buttons regarding operation of contents which are displayed to said first display apparatus and said second button group is buttons by which the operation can be executed only by displaying onto said second display apparatus without displaying onto said first display apparatus (operation module, Aibara; FIG 1/10, interfaces with the display module, Aibara; FIG 1/13, which operate the LCD display, FIG 8/84, designated as the first display. The second display, Aibara; FIG 13/45, emits light when receiving a signal from the amplification circuit, Aibara; FIG 5/44, when the transmission/reception button, Aibara; FIG 5/41 or FIG 13/41, is depressed, Aibara; column 14 lines 54-65).

With reference to claim 7 (depends on claim 4), Aihara et al. further discloses the facsimile equipment wherein:

a third button group is arranged in an area of the first surface out of an area of said first display apparatus, the user is notified of functions of the said third button group by displaying onto said first display apparatus, and the functions of said third

button group are changed due to a change in contents displayed to said first display apparatus (the third button group being the displayed options in the form of graphic user interface displayed on the LCD display designated as first display that allows user to select or interact during system operation, Aihara; columns 23 lines 15-28. The displayed options or software keys (touch keys) are changed as required for different operation).

With reference to claim 8 (depends on claim 4), Aihara et al. discloses the facsimile equipment further comprising detecting means for detecting opening/closure of said display unit, wherein

when said display unit is opened, said first display apparatus is set to a display mode and said second display apparatus is set to a non-display mode, and when said display unit is closed, said first display apparatus is set to the non-display mode and said second display apparatus is set to the display mode (the interlock power switch turns off the first display (non-display mode) when the lid assembly, Aihara; FIG 14/3, is closed, Aihara; column 3 lines 42-55. When the lid is closed, the second display, Aihara; FIG 13/45, emits light when receiving a signal from the amplification circuit, Aihara; FIG 5/44, when the transmission/reception button, Aihara; FIG 5/4 or FIG 14/41, is depressed, column 14 lines 54-65).

With reference to claim 10 (depends on claim 5), Aihara et al. further discloses the facsimile equipment wherein:

said second button group includes buttons regarding telephone operation (the second button group or the transmission/reception key, Aibara; FIG 13/41, is required to be depressed to turn on, Aibara; FIG 27/S714, for the phone connection/operation when the phone number is dialed using the numeric keys on the keyboard, Aibara; FIG 14/40, and column 26 lines 25-44).

With reference to claim 11 (depends on claim 10), Aihara et al. further discloses the facsimile equipment wherein:

said second button group includes numeral buttons which are used when the user pushes enters a telephone number (the second button group or the transmission/reception key, Aibara; FIG 13/41, is required to be depressed to turn on, Aibara; FIG 27/S714, for the phone connection/operation in associated with the telephone number being dialed /pushed by user, Aibara; FIG 14/40, and column 26 lines 25-44).

Response to Arguments

6. Applicant's amendment 9/9/10 has overcome the specification objection under 35 U.S.C. 132(a).
7. Applicant's arguments with regard to claim 1 and dependent claims of claim 1 have been fully considered but are not persuasive because the examiner respectfully disagrees with applicant's argument as explained in the following.

8. Regarding amended claim 1, applicant argues that "The applied art is not seen to disclose or suggest the features of Claim 1, and in particular is not seen to disclose or suggest at least the feature of a facsimile apparatus with a display unit which, when closed, does not block any of a document inserting port, a recording paper inserting port, or a document ejecting port".

9. The examiner respectfully disagrees with the applicant's arguments because as applied to claim rejection 1 above, claim is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kuriyama et al. (US Patent No. 5,710,634) in views of Uchiyama et al. (US Patent No. 6,246,493) and further in view of Hongoh (US Patent No. US 5,115,374). Therefore, in combination they disclose the limitations of claim 1, in particular the following limitation of claim 1:

"said display unit does not block any of said document inserting port, said document ejecting port or said recording paper inserting port when said display unit is closed"

Kuriyama discloses (the display section/units, FIG 57/501, when being closed does not block the trays, FIG 57/507, which are used as recording paper inserting ports, column 2 lines 13-14, and one of them is used as original rejection port, column 1 lines 42-43). Kuriyama is silent as to the design option, FIG 2, wherein the document insert port, FIG 2/9, is not being blocked when the display unit, FIG 2/3, is closed or at completely flat down position. However, However, Hongoh discloses the apparatus capable of performing facsimile, Hongoh's FIG 1, facilitates the design option of the liquid crystal display, Hongoh's FIG 1/6, FIG 2/6, and FIG 3/6, which does not block the

document insert port, FIG 1/3 and release slot/port, FIG 1/4, when it is closed. Such a design option would be applicable to the prior art design, FIG 57, or Kuriyama's design, FIG 2.

10. Regarding claim 1, applicant further argues that " if Uchiyama' s document ejecting port (element 206) were arranged on the front portion of Kuriyama's apparatus as in the proposed combination, Kuriyama's display unit would block the document ejecting port when in a closed position. In particular, as seen above in Kuriyama's Figure 57, the closed display port closes over and blocks the front portion of the apparatus, including where Uchiyama' s document ejecting port would be placed"

11. The examiner respectfully disagrees with applicant's argument because as applied to claim rejection 1 above, claim 1 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kuriyama et al. (US Patent No. 5,710,634) in views of Uchiyama et al. (US Patent No. 6,246,493) and further in view of Hongoh (US Patent No. US 5,115,374). Therefore, in combination they disclose the limitations of claim 1, in particular the following limitation.

"a document ejecting port arranged in a front portion of said apparatus main body for ejecting said original document"

Kuriyama et al. further discloses an original driving system, FIG 68, wherein an original G is fed in the direction M, FIG 68/M, into an inserting port and ejected out of an ejecting port, enables the design choices that allow the inserting port or ejecting port to be arranged in a front or in a back portion of a facsimile apparatus as user's desire.

Uchiyama et al. discloses the original driving system, Uchiyama's FIG 1, facilitates using the design choice, which allows:

"a document ejecting port arranged in a front portion of said apparatus main body for ejecting said original document":

Hongoh discloses the apparatus capable of performing facsimile, Hongoh's FIG 1, facilitates the design option of the liquid crystal display, Hongoh's FIG 1/6, FIG 2/6, and FIG 3/6, which does not block the document insert port, FIG 1/3 and release slot/port, FIG 1/4, when it is closed. Such a design option would be applicable to the prior art design, FIG 57, or Kuriyama's design, FIG 2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Shimoosawa et al. (US Patent Application No. US 2002/0190958, facilitates the design option that allows the ejecting port is arranged in front also the display does not block both the inserting and ejecting port when it is closes.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure "Tsubai et al. (US Patent Application No. US 2003/0059037); Shimoosawa et al. (US Patent Application No. US 2002/0190958)".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ngon Nguyen whose telephone number is (571) 270-7533. The examiner can normally be reached on 7:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisor Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/NGON NGUYEN/

Examiner, Art Unit 2625

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625